

ADACHI et al., SN 10/669,052
Arndt. filed 4 April 2005
Reply to OA mailed 2 December 2004

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REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any manner indicated below.

PENDING CLAIMS

Claims 21-38 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted (without prejudice or disclaimer of any scope or subject matter) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, presented herein are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 21-46 are now pending in the application for consideration and examination.

DOUBLE PATENTING REJECTION - STATUTORY DISCLAIMER FILED

The obviousness-type double patenting rejection of Claims 21 and 30 as set forth within Item 3 on page 3 of the Office Action is respectfully traversed. However, in order to travel a path of least resistance to obtaining a patent for the present application, submitted herewith is an executed Statutory (Terminal) Disclaimer Form PTO/SB/26 to overcome the non-statutory double patenting rejection. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection of the subject claims are respectfully requested. The above statements, or the filing of any Statutory Disclaimer, are not to be taken as an indication or admission that the

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rejection was valid, but is merely use of a procedural approach to obviate the rejection. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next Action final.

CLAIM OBJECTIONS OBLIVIATED VIA STATUTORY DISCLAIMER

Claims 22-29 and 31-38 were objected to because of the Office Action concerns listed at Item 4 on page 3 of the Office Action. As a Statutory Disclaimer has been filed to overcome the rejection of the independent Claims 21 and 30, upon which Claim 22-29 and 31-38 depend, reconsideration and withdrawal of the objection to Claims 22-29 and 31-38 are respectfully requested.

NEW CLAIMS - ALLOWABLE VIA DEPENDENCY

Presented herein are new Claims 39-46 which are directly or indirectly dependent upon Claims 21 and 30. No new matter is entered, and support for the claims is found throughout the application as filed. For example, support for Claims 39 and 42 may be found, e.g., at page 7, lines 2-11 and page 33, lines 12-26, while support for Claims 44-46 is found, e.g., at page 9, line 25 through page 10, line 11. Accordingly, Applicant respectfully submits that the new claims are allowable.

ALL CLAIMS IN CONDITION FOR ALLOWANCE

In view of the fact that there are no prior art rejected claims, and all pending claims either appear allowable in view of the filing of a Statutory Disclaimer which

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obviates any double patenting rejection, or already have been amended to depend from allowed claims and/or to address all informalities/objections, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

A Petition for extension of the shortened statutory period for response to the Office Action mailed 2 December 2004 is being submitted concurrently herewith. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Also submitted herewith is a Form PTO-2038 authorizing payment of all requisite Petition, claim and Disclaimer fees. Please charge any actual deficiency in required fees to ATS&K Deposit Account No. 01-2135 (as Case No. 503.39455CX1).

Respectfully submitted,



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Attachments:

PTO/SB/26

Petition for Extension of Time
PTO-2038 (Fee Codes 1202/1251/1814)